

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

| | | |
|---------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | Criminal No. 4:12-mj-152-05 |
| |) | |
| -vs- |) | <u>DISCOVERY AGREEMENT</u> |
| |) | |
| JAMES DEAN ODENEAL. |) | |
| |) | |
| Defendant. |) | |

The United States Attorney's Office by and through Rick L. Volk, Assistant United States Attorney, and Thomas M. Tuntland, Attorney for James Dean Odeneal, do hereby agree to and acknowledge the following:

1. Thomas M. Tuntland is the attorney appointed to represent James Dean Odeneal in the above-captioned case, and has requested the United States Attorney's Office to provide him with discovery materials in this case;
2. The United States Attorney's Office will voluntarily provide discovery materials to Thomas M. Tuntland on behalf of Mr. Odeneal pursuant to its "standard discovery policy" with an exception limiting dissemination of the discovery materials in the case as set forth below because of security concerns for the safety of potential witnesses;

3. In return for being provided with a substantial number of discovery documents, recordings, and other materials on Mr. Odeneal's behalf, including some which are not even required to be disclosed before trial, Thomas M. Tuntland hereby agrees to limit the disclosure and dissemination of discovery materials as requested by the United States Attorney's Office.

4. Thomas M. Tuntland agrees that all discovery materials provided to him will be kept in his and his law firm's sole possession, will not be released to other persons outside of their presence, and will not be copied or disseminated to others who are not employees of the Tuntland & Colling Law Office except as noted herein. Copies of the discovery materials may be provided to the Chief of Security of the Heart of America Correctional and Treatment Center ("HACTC") in Rugby, ND, for review by Mr. Odeneal in an area within the HACTC designated by the Chief of Security. No copies of these materials may be otherwise provided to Mr. Odeneal or to any other person without the written permission of the United States Attorney's Office. In no event may Mr. Odeneal be permitted to have copies of or review these materials within any other area of the facility, specifically including his cell and cell block. Once Mr. Odeneal has completed his review of the discovery materials, all discovery materials must be returned to the Chief of Security of the HACTC (or his designee), who shall keep the discovery materials in a secure location within the HACTC not accessible to the inmates of the facility. Mr. Tuntland further agrees that before providing copies of any discovery

materials to the Chief of Security of the HACTC he will (a) provide the Chief of Security of the HACTC with a copy of this Discovery Agreement; (b) obtain the Chief of Security's consent to the procedures listed herein; and, (c) communicate to the above-identified Assistant United States Attorney in writing or via e-mail that he has obtained such consent from the Chief of Security of the HACTC.

Mr. Tuntland or persons employed by the Tuntland & Colling Law Office will be permitted to show the discovery materials to Mr. Odeneal, but to no other person without written permission from the United States Attorney's Office; any disclosure of these materials will be done in person; and, Mr. Tuntland and the employees of the Tuntland & Colling Law Office will not give James Dean Odeneal copies of any discovery materials produced by the United States except through the procedure identified above. Further, Thomas M. Tuntland agrees that neither he nor the Tuntland & Colling Law Office will employ James Dean Odeneal during the course of this litigation.

5. Upon Mr. Odeneal's release from the HACTC, or at the conclusion of Thomas M. Tuntland's representation of Mr. Odeneal, whichever occurs first, Thomas M. Tuntland agrees that he will immediately obtain all discovery materials he or his law firm has provided to the Chief of Security of the HACTC, and he will notify the above-listed Assistant United States Attorney in writing or via e-mail that all discovery materials have been returned to him.

6. At the conclusion of all proceedings in the case, or his representation of Mr. Odeneal in connection with the criminal proceedings, Thomas M. Tuntland may keep a copy of the discovery materials for his files and records, but may not disclose the contents thereof to anyone other than employees of the Tuntland & Colling Law Office, without the prior permission of the United States Attorney's Office.

SO STIPULATED.

Dated this 1st day of October, 2012.

/s/ Thomas M. Tuntland
THOMAS M. TUNTLAND
Tuntland & Colling Law Office
P.O. Box 1315
Mandan, ND 58554
Attorney for James Dean Odeneal

Dated this 9th day of October, 2012.

/s/ Rick L. Volk
RICK L. VOLK
Assistant United States Attorney
P. O. Box 699
Bismarck, ND 58502-0699
Attorney for United States

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FOR THE DISTRICT OF NORTH DAKOTA

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| UNITED STATES OF AMERICA, |) | |
| |) | Criminal No. 4:12-mj-152-05 |
| Plaintiff, |) | |
| |) | <u>CERTIFICATE OF SERVICE</u> |
| -vs- |) | |
| |) | |
| JAMES DEAN ODENEAL, |) | |
| |) | |
| Defendant. |) | |

I hereby certify that on October 9, 2012, the following documents:

Discovery Agreement

Certificate of Service

were filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

Thomas M. Tuntland: tomtut@usa.net

I further certify that a copy of the foregoing documents and the Notice of Electronic Filing will be mailed by first class mail, postage paid, to the following:

Dated: October 9, 2012

/s/ Rick L. Volk
Rick L. Volk
Assistant United States Attorney